

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 04-cr-172-jcs-2

MICHAEL STEVENSON,

Defendant.

MOTION FOR MODIFICATION OF SENTENCE
PURSUANT TO 18 U.S.C. § 3582(c)(2)

The defendant, through counsel, hereby respectfully moves this Court pursuant to 18 U.S.C. § 3582(c)(2) for an order reducing his term of imprisonment on the ground that the retroactive amendments to the drug guidelines pursuant to Amendment 782 reduce the base offense level in his Presentence Investigation Report. In support of this Motion, the defendant states the following:

1. Mr. Stevenson is currently serving a sentence of 262 months' imprisonment: he received a sentence of 240 months on Count 1 of the superseding indictment, to be served concurrently to 262 months' imprisonment on Count 3. The Court found the defendant's relevant conduct to involve 1.247 kilograms of heroin. The Judgment imposing that sentence was entered on June 9, 2005.

2. The Court determined that Mr. Stevenson was a career offender, which resulted in an adjusted offense level of 34; however, the adjusted offense level under U.S.S.G. § 2D1.2 was higher at 35. After a three-level decrease for acceptance of responsibility, the total offense level was 32. The Criminal History was Category VI. These calculations resulted in a sentencing range of 210 to 262 months of imprisonment.

3. The defendant's sentencing range was subsequently lowered by the U.S. Sentencing Commission and made retroactive effective November 1, 2014. Using the amended guidelines, the defendant's offense level as a career offender is now higher than the level under § 2D1.2. Therefore, with an offense level of 34 minus three levels for acceptance of responsibility, the total offense level is now 31 with Criminal History VI. This results in a new sentencing range of 188 to 235 months.

4. The defendant respectfully requests that the Court reduce his sentence to 188 months on counts 1 and 3, to run concurrently with each other, which is the bottom of his amended sentencing range.

5. Counsel has conferred with AUSA Laura Przybylinski Finn regarding this matter. The United States agrees that the Court should reduce the defendant's sentence, but does not agree that it should be reduced to the bottom of the new range. The government will advise the Court in writing what it believes the appropriate sentence should be.

WHEREFORE, the defendant asks this Court to enter an order reducing his sentence to 188 months on both counts pursuant to 18 U.S.C. § 3582(c)(2).

Dated this 23rd day of March, 2015, at Madison, Wisconsin.

Respectfully submitted,
MICHAEL STEVENSON, *Defendant*

/s/ Kelly A. Welsh
Kelly A. Welsh

FEDERAL DEFENDER SERVICES
OF WISCONSIN, INC.
22 East Mifflin Street, Suite 1000
Madison, WI 53703
Tel: 608-260-9900
Fax: 608-260-9901
kelly_welsh@fd.org